

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

OSCAR GUILLEN, SR.,)	
Plaintiff,)	
)	CAUSE NO.: 2:05-CV-340-JTM
v.)	
)	
ROY DOMINGUEZ, ET AL.,)	
Defendants.)	

OPINION AND ORDER

This matter is before the Court on a Motion for Order Requiring Production of Documents [DE 50], filed by Defendants Sgt. Richard Starkey and Sgt. Jean Peron (collectively, “Defendants”) on July 6, 2007. Currently, Plaintiff is incarcerated in the Wabash Valley Correctional Facility (“WVCF”). On May 21, 2007, Defendants sent a Request for Production of Documents to Plaintiff, requesting any documents that Plaintiff believed supported his claims against Defendants. Counsel for Defendants represents that on June 28, 2007, he received written correspondence from Plaintiff indicating that WVCF would not allow Plaintiff to make copies of the requested documents. In the Motion, Defendants request that the Court order WVCF to make copies of any and all documents that Plaintiff identified as potential evidence to be used in support of his claims against Defendants and forward those documents to Defendants’ counsel. Neither WVCF nor Plaintiff have responded to the Motion and the time to do so has passed.

Counsel for Defendant further represents that Plaintiff identified four specific documents that support his claims. Counsel for Defendant represents that he can obtain three of the identified documents on his own accord. The remaining document, which counsel for Defendants represents must be produced by Plaintiff is identified as “A declaration of John Dragomer pursuant to the U.S. Northern District Court of Indiana Hammond Division bearing a Cause #3:05-CV-249-PS.”

In the Motion, Defendants do not indicate that they attempted to gain WVCF's assistance in producing the requested documents prior to making this Motion with the Court. In addition, the Motion fails to indicate the length of the document that Defendants request WVCF copy. Defendants may, if they wish, informally request that WVCF assist them in this request for production as a courtesy to Defendants. However, WVCF is not a party to this matter and the Court otherwise lacks authority to order a non-party to provide the relief Defendants request.

For the foregoing reasons, the Court **DENIES** the Motion for Order Requiring Production of Documents [DE 50].

SO ORDERED this 27th day of July, 2007.

s/ Paul R. Cherry

MAGISTRATE JUDGE PAUL R. CHERRY
UNITED STATES DISTRICT COURT

cc: All counsel of record
Plaintiff, Oscar Guillen Sr.